

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

In re: Guidant Corp. Implantable Defibrillators
Products Liability Litigation

MDL No. 1708
(DWF/AKB)

This Document Relates to All Actions

JOINT AGENDA FOR JUNE 21, 2006
STATUS CONFERENCE

The parties have agreed upon the following agenda for the Case Status Conference to be held on June 21, 2006:

1. Number and status of cases transferred into the MDL
2. Discovery status
 - A. Status of depositions and deposition concerns
 - B. Status of production of documents on 1861s and other devices
 - C. Privilege & Redaction Issues (Plaintiffs' Pending Motions)
 - D. Bellwether PFS Issues (Defendants)
3. Representative trial process update
4. Motions to Dismiss For Failure to file Plaintiff Fact Sheets
 - A. First Group – argument regarding *Stauder* and dismissal of remaining cases for failure to oppose
 - B. Second Group – joint proposed schedule (Attachment A)
5. Proposed Joint Stipulations:
 - A. Regarding Response of Boston Scientific to Master Complaint (Attachment B)
 - B. Regarding Word Count for Response to Master Complaint (Attachment C)
6. Scheduling of Next Discovery Conference Call and Status Conference

Dated: June 19, 2006

Respectfully submitted,

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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA**

**In re: Guidant Defibrillators Products
Liability Litigation**

MDL Case No. 1708 (DWF/AJB)

Relates to ALL ACTIONS

**JOINT PROPOSED
STIPULATION**

**ESTABLISHING BRIEFING SCHEDULE AND HEARING DATE FOR
DEFENDANTS' MOTIONS TO DISMISS FOR FAILURE TO COMPLY WITH
THIS COURT'S JANUARY 31, 2006 ORDER**

On May 25, 2006, Defendants moved to dismiss an additional group of cases for failure to file a Plaintiff Facts Sheet by the Court-ordered deadline. The parties agree, and the Court hereby orders, that the following briefing schedule and hearing date concerning Defendants' Motions to Dismiss for Failure to Comply with this Court's January 31, 2006 Order shall apply:

1. Plaintiffs shall file their Responses to Defendants' Motions to Dismiss on or before June 30, 2006.
2. Defendants shall file their Replies in Support of Motions to Dismiss on or before July 7, 2006.
3. The Court shall hear arguments on this matter during the status conference set for mid-July.

Judge of United States District Court

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

*In re: Guidant Defibrillators
Products Liability Litigation*

Court File No. 05-md-1708

This pleading applies to:

ALL ACTIONS

**STIPULATION BETWEEN PLAINTIFFS AND
BOSTON SCIENTIFIC CORPORATION**

COMES NOW Plaintiffs in the above-captioned action and Boston Scientific Corporation (the “parties”), by and through their respective counsel, and hereby stipulate and agree as follows:

1. Plaintiffs filed a Master Complaint for Personal Injury, Economic Loss, Third Party Payor and Medicare Secondary Payor Act Claims, Including Class Actions on April 24, 2006 (“Master Complaint”). Plaintiffs have indicated an intent to file a motion to add Boston Scientific Corporation as a party in all pending cases in the above-captioned litigation.

2. Although Boston Scientific Corporation is a named party in the Master Complaint, the parties stipulate and agree that Boston Scientific Corporation need not file an Answer or respond to the Master Complaint. The parties further stipulate and agree that by not filing an Answer or responding to the Master Complaint, Boston Scientific Corporation does not waive any defenses or admit any liability in connection with the above-captioned litigation.

3. The parties further stipulate and agree to defer all issues regarding Boston Scientific Corporation’s Answer or response until after Plaintiffs file a motion to add Boston Scientific as a party in all pending cases in the above-caption litigation.

IT IS SO STIPULATED

Dated: June 19, 2006

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Date: June 19, 2006.

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EXHIBIT C

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

**In re: Guidant Corp. Implantable
Defibrillators Products Liability
Litigation**

**MDL No. 1708
(DWF/AJB)**

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**JOINT MOTION FOR LEAVE FROM
L.R. 7(C) IN ORDER THAT
DEFENDANTS' MEMORANDUM OF
LAW IN SUPPORT OF MOTION TO
DISMISS PLAINTIFFS' MASTER
COMPLAINT, AND PLAINTIFFS'
OPPOSITION THERETO, MAY
EXCEED 12,000 WORDS**

Plaintiffs' Master Complaint encompasses 433 paragraphs, implicating the laws of all 50 states, and alleging 30 counts on behalf of three categories of plaintiffs. Plaintiffs and Defendants will each require more than the 12,000 words allowed under Local Rule 7(c) to respectively support and oppose Defendants' motion to dismiss Plaintiffs' Master Complaint. Accordingly, the parties request leave from this 12,000 word limit in order to file memoranda in support of, and in opposition to, Defendants' motion to dismiss Plaintiffs' Master Complaint, including separate motions to dismiss the claims of Device Recipients, and to dismiss the claims of Third Party Payors and Medicare as Secondary Payor claims.

Date: June 19, 2006.

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